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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 PETRA MARTINEZ,

12 Case No. 3:09-cv-5630-WHA

13 Plaintiff,

14 **EX PARTE MOTION TO CORRECT
15 RECORD**

16 vs.

17 AMERICA'S WHOLESALE LENDER, et al.,

18 Defendants.

19 PETRA MARTINEZ (Plaintiff) hereby presents this Motion to Correct the Record ex
20 parte after conferring with opposing counsel. Plaintiffs specifically seek an order that
21 Plaintiff may upload the Complaint she caused to be filed to replace the Complaint
22 currently on file with the court, to which the exhibits were somehow altered from their
23 original state.

24 **I. GROUNDS FOR EX PARTE RELIEF**

25 The complaint filed herein does not reflect the complaint which Plaintiff's attorney's
26 office caused to be filed at the Superior Court for the County of Monterrey. The Complaint
27 Plaintiff's Counsel caused to be filed contained, including exhibits, 69 pages. The packet
Plaintiff caused to be served on Defendants contained 75 pages. Exhibit D, in particular,
was a single page. In the version filed with this court, Exhibit D is a several hundred page
prospectus which Plaintiff's counsel did not attach to the Complaint and has never seen
before.

Plaintiff's counsel has followed us with Rapidlegal, which is a court filing service
employed by Michael Rooney Law Office, who has confirmed that the original document

1 did not contain the current version of Exhibit D. Opposing counsel attests that the version
2 filed with this court was obtained from the County of Monterrey.

3 In the interests of justice, plaintiffs seek to replace the version on file with the
4 version Plaintiff caused to be filed at the court.

5 **II. CONCLUSION**

6 Based upon the foregoing, Plaintiff respectfully requests that the Court grant relief as
sought herein.

7 Dated: December 21, 2009

Respectfully Submitted,
/S/ Michael Patrick Rooney
Michael Patrick Rooney, Esq.
Attorney for Plaintiff
PETRA MARTINEZ

11 **MICHAEL PATRICK ROONEY'S DECLARATION IN SUPPORT AND**
12 **DECLARATION OF NOTICE**

13 1. The complaint filed herein does not reflect the First Amended which I office caused
14 to be filed at the Superior Court for the County of Monterrey.

15 2. The First Amended Complaint I caused to be filed contained, including exhibits, 69
16 pages.

17 3. The packet I caused to be served on Defendants contained 75 pages.

18 4. Attached to this declaration as Exhibit A is the First Amended Complaint as I
19 caused it to be filed.

20 5. I have followed us with Rapidlegal, which is a court filing service employed by
21 Michael Rooney Law Office, who has confirmed that the original document did not
22 contain the current version of Exhibit D.

23 6. Opposing counsel, attests that the version filed with this court was obtained from
24 the County of Monterrey.

25 7. I do not know how the several hundred page propsectus got into the exhibits,
26 because I have never laid eyes on it before in my life.

27 I swear the above to be true and correct under the penalty of perjury and executed this
28 declaration on December 22, 2009 at San Francisco, CA.

/S/ Michael Patrick Rooney

Michael Patrick Rooney, Esq.